

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BMG MUSIC d/b/a JAY RECORDS,

Plaintiff,

v.

J7 RECORDS, INC.,

Defendant.

Civil Action No. 07-cv-6076

DECLARATION OF TIREKA COBB IN SUPPORT OF DEFENDANT'S
MOTION TO DISMISS FOR LACK OF PERSONAL JURISDICTION

TIREKA COBB hereby declares as follows:

1. I am the Vice President of J7 Records, Inc. ("J7"), the defendant in this lawsuit. I submit this affidavit in support of J7's motion to dismiss the complaint for lack of personal jurisdiction.
2. I am a co-founder of J7, and make this declaration based upon my personal knowledge.
3. J7 is a music based entertainment company that is located in Baton Rouge, Louisiana. J7 has its headquarters and sole place of business in Baton Rouge, Louisiana.

4. J7 was formed in 2000 by myself and an individual named John Thomas.

5. Mr. Thomas and I formed J7 with the goal of creating a music label featuring musicians from Louisiana and the south.

6. Although J7 is promoting musicians in Louisiana, as of this date, J7 has not released any products to the public.

7. This means that J7 does not sell any records, CDs, cassettes or other materials.

8. J7 does not have any full time employees.

9. Currently, J7's efforts have been dedicated to a single musician that has the stage name Lady Royale. J7 has marketed Lady Royale by putting her picture and music on J7's web-site and by promoting her in the Louisiana area. J7 has yet to release any product featuring Ms. Royale - in Louisiana or anywhere else.

10. One song by Lady Royale has been made available over the internet, by broadcast and free download. This exploitation has been promotional only, and for which J7 has not received any income.

10. J7 was initially known as "Jireh 7 Records". However, very quickly, the name was shortened to J7. Simply put, Jireh 7 Records began using the trademark J7 shortly after we began doing business. The term "J7 Records" has been used in connection with promoting musical events in 2000. J7 formally changed its corporate name in 2004.

11. J7's promotional events have taken place solely within the state of Louisiana.

12. J7 has not manufactured, distributed or sold any products; musical albums or otherwise.

13. J7 has not authorized any party to use the term "J7 Records" in connection with any products or services.

14. All of J7's use of the mark "J7 Records" has occurred within the State of Louisiana.

15. As indicated above, J7 does operate a web-site that has the uniform resource locator ("URL") www.j7records.com.

16. J7's web-site has been active for at least four years. During its four year existence, J7's web-site does not offer for sale any products or services, and, in addition to music, only markets studio services in Baton Rouge, Louisiana. At

this point in time, the J7 web-site is almost exclusively dedicated to information about Lady Royale.

17. As BMG complaint demonstrates, J7 did file a trademark application for the term "J7 Records." Even though BMG alleges that the trademarks are similar, the United States Patent and Trademark Office determined that the marks were not sufficiently similar to prevent publication and registration.

18. Throughout its entire existence since 2000, J7 has never sold any products in any state - including in New York.

19. J7 has never solicited to provide services to any individuals or corporations located in New York.

20. J7 has not promoted any products or otherwise undertaken any professional activity within the State of New York.

21. J7 has not derived any economic benefit from individuals or corporations located in New York. J7 has never owned any property within the State of New York.


22. To date, J7's target audiences have all been in and around Louisiana.

23. All individuals, of whom J7 is aware, that have knowledge of J7's use of the mark "J7 Records" are located in or around Baton Rouge, Louisiana.

24. All of J7's documents and records are in Baton Rouge, Louisiana.

25. J7 is a tiny company that cannot afford to conduct a litigation in New York.

I declare under penalty of perjury that the foregoing is true and correct.



TIERA COBB